

ORDINANCE NO. 2006-21

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, ADDING ARTICLE 8-3 (DEVELOPMENT IMPACT FEES) TO THE CODE OF THE CITY OF SEDONA, ARIZONA, WITH A DELAYED EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

WHEREAS, the City of Sedona (“City”) determined to review and update its 1998 development impact fees (DIF) currently set forth as Article 16 (Sections 1601 –1610) of its Land Development Code, including the fee schedule, waivers, hearing procedures, and related provisions, and

WHEREAS, the City retained the services of TischlerBise, an economic planning consulting firm, to prepare a Development Fee Study (“Study”), which was completed April 12, 2006, and presented to the City, and

WHEREAS, the City Council at a regularly scheduled public work session on April 12, 2006, presented and adopted the Study, declared a Notice of Intent to assess a new or increased fee based on the recommendations of the Study, and released the Study to the public with all documentation to support the increase, pursuant to ARS 9-463.05.C, and

WHEREAS, on July 18, 2006, more than sixty (60) days since the Notice of Intent, as required by ARS 9-463.05.C, the City conducted a public hearing on the Study and the proposed increased or new DIF schedule, at a regularly scheduled public meeting of the Planning & Zoning Commission (DIF at that time codified in Article 16 of the Land Development Code), and

WHEREAS, the City Council, at a regular session on September 26, 2006, directed staff to revise the proposed DIF schedules concerning time share units and insertion of annual inflationary increases, and the TischlerBise study was amended, dated October 27, 2006, and

WHEREAS, review of the existing Article 16 showed that several sections would no longer be consistent with provisions of the Arizona Revised Statutes concerning DIF, particularly calculation of credits and other procedures as proposed by the Legislature, and the procedures in any City code should be removed or modified, and

WHEREAS, the City Council has determined that it would be more appropriate if the DIF provisions, including proposed fee increases and changes, were set forth in Chapter 8 (Business Regulations) of the Sedona City Code rather than the Land Development Code,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA:

Section 1: Adoption of Article 8-3 of the Sedona City Code

Article 8-3 (Development Impact Fees), declared a public record pursuant to ARS 9-802, in Resolution 2006-44, is hereby adopted as an addition to Chapter 8 (Business Regulations) of the Sedona City Code.

Section 2: Effective Dates

Article 8-3 shall have a delayed effective date of April 1, 2007, giving at least ninety (90) days notice prior to implementation of changes and increases to the development impact fees as required by ARS 9-463.05.C.

Section 3: Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 4: Repeal

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section 5: Contractual Provisions

Any development agreements, contracts, city forms or notices, pending land development applications, staff documents, or other references to Article 16 of the Land Development Code will now be governed by Article 8-3 as to development impact fees and procedures.

Section 6: Enforcement

Except as otherwise provided, any person found guilty of violating any provision of the Code of the City of Sedona, Arizona, and any amendment thereto, or any order or regulation made therein, including the failure to perform any act or duty so required, shall be guilty of a Class 1 misdemeanor, and, upon conviction, shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00), or by imprisonment for a period not to exceed six (6) months, or by both fine and imprisonment. Probation may be imposed in accordance with Arizona Revised Statutes, Title 13, Chapter 9. Each day that any violation continues shall be a separate offense punishable as above described or by civil sanction. In the alternative, an action may be commenced as a civil violation pursuant to Article 1-8.E (as amended) of the Sedona City Code.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona this 12th day of December, 2006.

Pud Colquitt, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney